



TOWN OF BEAUX ARTS VILLAGE

TOWN COUNCIL MINUTES

September 11, 2007

Young

Mayor Wells called the meeting to order at 7:00 pm.

PRESENT: Mayor Judee Wells, Councilmembers Steve Eulau, Richard Leider, Aaron Sharp, and Bruce Young.

EXCUSED: Councilmember Carol Clemett.

STAFF: Clerk-Treasurer Sue Ann Spens, Water Department Supervisor Bob Durr.

GUESTS: Tom Stowe.

MINUTES: Councilmember Leider moved to approve the July 10 2007 minutes as written. Councilmember Sharp seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

WARRANTS: Councilmember Leider moved to approve the August 14, 2007 warrant list, including warrant numbers 7416 through 7443, in the amount of \$25,065.91.

Councilmember Sharp seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Councilmember Leider moved to approve the September 11, 2007 warrant list, including warrant numbers 7444 through 7462, in the amount of \$12,000.62. Councilmember Sharp seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

CLERK'S REPORT:

2005-2006 AUDIT: Clerk-Treasurer Spens reported that the audit of the Town's financial and operating records for 2005 and 2006 will begin in about a week. She noted that the auditor has extended an invitation to any and all Councilmembers for an entrance meeting if one is desired, though Beaux Arts has not had an entrance meeting in the recent past. She added that there will be a required exit meeting to present the results of the audit, discuss any issues for the attention of management (including audit findings, if any), and to discuss corrective actions, if needed. She explained that the exit meeting is held at the conclusion of the audit, which is budgeted for about 14 days.

LETTER FROM CITY OF BELLEVUE REGARDING A COMPREHENSIVE

EMERGENCY MANAGEMENT PLAN: Clerk-Treasurer Spens reported that she received a letter from the City of Bellevue regarding our lack of a Comprehensive Emergency Management Plan. She explained that former Councilmember Robinson may have thought this plan was not needed because of Bellevue's status as one of the Town's first responders

through our fire-services contract with them. She then asked if we should notify City of Bellevue that Councilmember Clemett will be taking over the Town's Emergency Preparedness in the near future and what other action the Council wishes to take at this time.

After some discussion, Mayor Wells offered to contact Councilmember Clemett about her thoughts on taking over development of the Town's Emergency Management Plan. Mayor Wells asked Clerk-Treasurer Spens to handle the following:

- to write to Bellevue and let them know that we are in transition because of personnel changes on the Council,
- to obtain a copy of Hunts Point's Emergency Management Plan and circulate it among the Council for review, and
- to ask Town Attorney Stewart what the Washington Administrative Code (WAC) requires for a barebones Emergency Management Plan.

Mayor Wells also asked that this item remain on the agenda until completed.

TOWN COMPREHENSIVE PLAN: Clerk-Treasurer Spens reported that the Town was notified by the Puget Sound Regional Council (PSRC) that the Transportation Element of our Comprehensive Plan is deficient for their purposes and that they are unable to certify it because of the deficiencies. She added that PSRC states in their letter that "Certification is important for Beaux Arts because participation in regionally-managed funding competitions, including various grant programs, is contingent upon certification of the town's plan." She noted that similar deficiencies were noticed in 1999 and corrected immediately thereafter but that the corrections were inadvertently omitted from the materials given to Planner Mona Green when she started the last round of Comprehensive Plan updates. After some discussion, it was the consensus of the Council to write a letter to the PSRC asking them to outline what we really need to revise so they can certify our plan. Councilmember Leider offered to help Clerk-Treasurer Spens prepare this letter.

RELLECTIVE ADDRESS SIGNS: Clerk-Treasurer Spens reminded the Council that during his recent visit with the Council, Major Germani of the King County Sheriff's Office stressed the importance of clearly marked and easy-to-read addresses on every home in Beaux Arts to help emergency responders locate homes more quickly. She commented that in response to that suggestion, she did some research on reflective address signs and found that they are readily available on the Internet at prices ranging from about \$10 to \$20. She will put a notice in upcoming newsletters and on the Town website educating residents about the need for these signs and where they can be purchased.

MARSHAL'S REPORT: No report. Councilmembers commented that they received the first Blockwatch email from Town Marshal Walter Scott and asked that he be encouraged to continue with this important addition to our safety services.

WABA REPORT: No report.

WATER REPORT: Water Department Supervisor Bob Durr reported that repairs to the water maintenance shed are now complete. He also reported that recent problems at the pump house resulted in a couple of minor outages, so we were on Bellevue water for a short

period. He asked that next year's budget for the Water Department include \$5,000 to \$6,000 to replace a fire hydrant.

EMERGENCY PREPAREDNESS: No report.

PUBLIC HEARING: PROPOSED ORDINANCE NO. 352 ADOPTING THE TOWN'S SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR 2008 THROUGH 2013: Mayor Wells opened the public hearing at 7:50pm and asked Councilmember Sharp to summarize the proposed plan.

Councilmember Sharp described the various projects in the plan and the timing for each. He then suggested that the entire plan could be postponed for one year if the Council has concerns about the cost overrun on this year's large paving project. Tom Stowe asked Councilmember Sharp several questions about the plan, including where his street, SE 27th Street, is scheduled for repair of the damage caused by the light pole and transformer that during last winter's windstorm.

It was the consensus of the Council to leave the project timing in the plan as written, since this document is for planning purposes and does not obligate the Council to include these projects in the Town's budget.

MOTION: Councilmember Eulau moved to pass Ordinance No. 352 adopting the Town's Six-Year Transportation Improvement Program for 2008 through 2013. Councilmember Leider seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

TREE MANAGEMENT PLAN: Councilmember Young reported that the Tree Committee continues to make progress in writing a proposed ordinance and expects to present the ordinance to the Planning Commission for review and discussion at a public hearing in November. He stated that since the tree-cutting moratorium expires on October 16, the Tree Committee would like the Council to extend the moratorium for three to four months to allow the committee sufficient time to complete the review process with both the Planning Commission and the Council.

Councilmember Leider stated that he feels the moratorium should not be extended as an extension would continue to prevent residents from doing the necessary pruning needed to be ready for the upcoming winter.

Mayor Wells commented that she thinks we should call the public hearing to give everyone the organized opportunity to state their opinions on the subject, after which the Council can make an informed decision on whether there is sufficient support to extend the moratorium.

Councilmember Leider responded that he feels the moratorium was overreaching in the first place, particularly since the reason for imposing it was to prevent residents from clear-cutting their property, which he doubts would have happened. He urged the Council to allow the moratorium to lapse, noting that if the public feels strongly about reinstituting it, they can

petition the Council for a new moratorium.

Councilmember Eulau noted that further extending the moratorium raises other questions as to the real purpose of the moratorium. He then asked Councilmember Young how vital the moratorium is to the Tree Committee's completion of its tasks.

Councilmember Young answered that he is concerned that letting the moratorium lapse will open a window for the cutting of landmark trees in the Village – trees that would be irreplaceable in our lifetime.

Mayor Wells again stated that she feels the Council should hold the public hearing. She reminded Councilmembers that just holding the hearing does not guarantee that the moratorium will be extended, it just gives everyone a chance for their voice to be heard.

MOTION: Councilmember Young moved to call a public hearing in October to determine whether to extend the tree-cutting moratorium for a short period. Motion died for lack of a second.

Councilmember Leider asked that a final decision on this issue be tabled until the end of this meeting.

ROW TREE SURVEY: Councilmember Young reported that when AWC awarded the Town a grant to survey the trees on our rights-of-way, he considered how best to spend the \$1,000 grant and whether to ask the Council for additional funding. He explained that he contacted an arborist and together they developed two options for using this grant money. He described the options as follows:

- Option 1 would be to create a baseline evaluation for all of the trees on Town ROWs. Each tree would be tagged with an identification number and its condition recorded in a matrix that can be used for ongoing evaluations of the tree's health, etc. For 250 trees, this option would cost between \$2,000 and \$2,500. For 400 trees, it would cost between \$3,800 and \$4,500.
- Option 2 would be to walk the ROWs and identify trees that need further evaluation due to risk indicators such as trunk or root defects. The identified trees would be evaluated, and appropriate action recommended. This cost of this option would not exceed \$1,000.

Councilmember Sharp stated that he feels this information is important and useful in guiding the Council in its management of our ROW trees. He explained that without this information, the Town is responding to reports of problem trees on a piecemeal basis.

Councilmember Leider discussed his concerns about preparing an extensive plan for trees on Town ROWs before the Tree Committee's recommendations are known.

Water Supervisor Durr asked if preparing a full-scale survey of the ROW trees would expose the Town to additional liability if a tree that had been identified as a potential hazard caused injury or property damage before the Town took remedial action.

Mayor Wells commented that reducing the scope of work could allay some of these concerns while still accomplishing a useful task.

MOTION: Councilmember Leider moved to authorize Mayor Wells or her designate to execute the appropriate documents to authorize Option 2 at a cost not to exceed \$1,000. Councilmember Sharp seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

PRIVATE IMPROVEMENTS ON TOWN ROWS: Clerk-Treasurer Spens outlined several recent incidents of improvements placed by residents on Town ROWs that may require the Council's permission before their installation, including the installation of pavers, a small rockery wall, and a fence. She noted that the Town's current ROW-use policy is to allow residents to develop and maintain the ROW adjacent to their property with plantings or gravel for parking. She added that residents wishing to place more permanent improvements must first approach the Council for permission and must then execute an Encroachment Agreement with the Town to document their understanding that the improvement must be removed if the Town requests removal. She added that this issue has come up in part because of the complaints of a Town resident about the installation of pavers on the ROW that give the general public that the property being used belongs to the adjacent property owner rather than the Town. She noted that there are other instances where this type of parking arrangement has been allowed on Town ROWs – along SE 29th St. for example.

Clerk-Treasurer Spens explained that ROWS are, in general and by necessity, reserved to utility distribution lines, parking, the placement of mailstands, and other public uses, adding that Beaux Arts has never required residents to preserve parking on the ROW. She then asked the Council for guidance on how to administer this policy.

After discussion about what rules are currently in place and how they are or are not being enforced, it was the consensus of the Council to study the question and determine how best to regulate ROW use. To accomplish this, Clerk-Treasurer Spens will discuss the situation with Town Planner Green to determine what ordinance-based rules the Town may have in place already, particularly with regard to pavers.

Mayor Wells asked that this topic be kept on the Council's agenda until resolved.

PROPOSED RESOLUTION REGARDING A REGIONAL AFFORDABLE

HOUSING PROGRAM: It was the consensus of the Council to table discussion of this item until the issues raised by A Regional Coalition for Housing (ARCH) is addressed.

UNDERGROUND UTILITIES: Councilmember Leider reported that Puget Sound Energy has completed its pre-engineering estimate of approximately \$1,000,000 to underground utilities in Beaux Arts. He commented that next the Council will need to look at how to collect public input and how to pay for the project.

Mayor Wells suggested that the Council arrange for one or more special meetings that are separate from regular Council meetings. She noted that the special meetings can be devoted

solely to discussing the proposed project and answering questions from residents. She added that keeping the meetings separate will allow the Council to continue to handle regular business in a timely fashion.

Councilmember Leider commented that he will have more details soon so the Council can begin planning how to address the various issues that need to be handled, e.g. setting up the special meeting, funding sources and methods, obtaining bond counsel, .etc.

INPUT FOR 2008 BUDGET: Clerk-Treasurer Spens asked Councilmembers who are also department heads to submit their budgetary needs by September 28, 2007 so that she and Councilmember Leider can prepare a preliminary budget for the Council's first public hearing on the 2008 Budget in October.

Councilmember Leider commented that all of the Town's funds have been drawing down over the last few years and that the Council needs to review carefully what reserve funds we have and how we might start rebuilding them.

It was noted that Councilmember Clemett would like the budget to include \$5,000 to \$6,000 to help fund the proposed Centennial Park improvements to the water-tower lot. Mayor Wells asked Clerk-Treasurer Spens to review the Town's quit-claim deed for this property with Town Attorney Stewart to determine if the proposed park is an allowed use of the property provided the primary purpose of operating the water-distribution system does not change.

MAYOR AND COUNCILMEMBER REPORTS:

QUIET PAVEMENT: Mayor Wells reported that initial responses from neighbors to the test section of Quiet Pavement on SR520 are positive but that the Washington State Department of Transportation (WSDOT) is continuing to monitor the durability of the paving.

FLOOD PLAIN MANAGEMENT: Mayor Wells reported that the King County Council is exploring the possibility of two-tiered pricing to fund the County's flood-plain management efforts. She explained that the pricing tiers would be for properties in a designated flood plain versus properties that are not.

MENTAL HEALTH FUNDING: Mayor Wells announced that a sales-tax increase earmarked for funding mental-health issues will be on the fall ballot.

MILFOIL TREATMENT: Mayor Wells reported that Hunts Point is unhappy with the results of their efforts to control milfoil by mowing and that they will return to treating their milfoil problem by applying aquatic herbicides. She asked Clerk-Treasurer Spens to find out more about the cost of this treatment, the method of application, etc.

FEMA FUNDING: Councilmember Sharp reported that forms for obtaining the 12.5% State reimbursement will be submitted in the next few days and that the remainder of our reimbursement will be received shortly thereafter.

TREE MANAGEMENT PLAN REDUX: Mayor Wells asked Councilmember Leider if he wanted to reopen discussion about an extension of the tree-cutting moratorium. Councilmember Leider stated that he did not.

NEXT MEETING: Clerk-Treasurer Spens reminded the Council that the next regular Council meeting is scheduled for October 9th at Steve Eulau's house.

ADJOURN: Councilmember Sharp moved to adjourn the meeting at 9:48pm. Councilmember Eulau seconded.
Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens
Clerk-Treasurer